

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES: 505 KAR 1:140 3-JDF-3B-13
CHAPTER: Detention Services		AUTHORITY: KRS 15A.065
SUBJECT: Escape/AWOL		
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APPROVAL: Bridget Skaggs Brown		, COMMISSIONER

I. POLICY

When a youth is missing from his assigned area or placement, immediate appropriate procedures shall be followed to locate and return the youth.

II. APPLICABILITY

This policy shall apply to all state-operated detention centers and alternative to secure detention programs.

III. DEFINITIONS

- A. "AWOL" occurs when a youth is absent without permission from an Alternative Detention Program.
- B. "Dangerous Instrument" – see KRS 500.080(3).
- C. "Deadly Weapon" – see KRS 500.080(4).
- D. "Escape" occurs when a youth is absent without permission from a secure juvenile detention facility. Escape is defined in KRS 520.010, 520.020, 520.030, and 520.040.

IV. PROCEDURES

A. General

- 1. Staff shall at all times be alert to the possibility that any youth might escape or be AWOL. Staff shall take appropriate and well defined measures to prevent, when possible, a resident from AWOL/Escaping. In all instances, staff shall ensure that preventive measures are consistent with sound security techniques and do not jeopardize the safety and

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security of the youth who is at risk of leaving, other youth, staff, or the surrounding community, citizens or their property. All preventive measures shall ensure that youth's civil rights are not violated or compromised.

2. Staff responding to an Escape/AWOL situation shall not:
 - a. Go onto or enter private property without the express permission of the owner or legal occupier except for the sole purpose of obtaining such permission;
 - b. Carry or use a firearm, knife, or other weapon or dangerous instrument;
 - c. Use unnecessary force. Any use of restraint necessary in the course of return to custody shall be applied in accordance with DJJPP 713;
 - d. Engage in any activity that creates a hazardous or physically offensive condition;
 - e. Violate any law or ordinance; or
 - f. Use or allow other youth to look for, take into custody or return a missing youth.
3. Each DJJ Regional Juvenile Detention Center shall establish Standard Operating Procedures for responding to an Escape/AWOL situation. These procedures shall include coordination with local and state law enforcement agencies. These procedures shall be reviewed annually and updated as necessary. All staff shall undergo training in their respective programs regarding their Escape/AWOL procedures.

B. ESCAPE FROM SECURE DETENTION

1. Any staff who becomes aware of a missing youth may declare said status to other staff present and shall act to insure immediate notification of the Superintendent as to the current situation and what actions have been taken to that point. A designated staff member shall immediately place a call from the facility to the 911 emergency operator (or directly to law enforcement in areas not having 911 service), followed by calls to the Kentucky State Police, and the law enforcement unit in the home locale of the escapee(s).
2. After accounting for all other youth and ensuring their safety, the Superintendent may select available staff to conduct a search in the immediate vicinity of the facility or grounds from which the youth became missing.

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3. In instances where the missing youth is suspected to possess a deadly weapon or dangerous instrument, staff shall not proceed or do anything that may escalate the situation.
4. Law enforcement assumes primary responsibility in the search and apprehension of the youth(s). Facility staff shall provide full cooperation to law enforcement. The Superintendent or designee shall meet with law enforcement officials upon their arrival and fully brief them of the situation. Photograph of the missing youth(s) shall be provided to law enforcement.
5. The Superintendent shall institute a formal record keeping process **other than the program log** to accurately document the events of the incident. This record shall be entered into the youth's Individual Client Record as an attachment to the Critical Incident Report when completed. The Progress Note Form may be utilized for this purpose. Particular attention shall be given to recording who was notified, when they were notified, and what actions were taken by the program site staff and others involved with the situation.
6. The Superintendent or designee shall immediately notify the Residential Facilities Administrator of all incidents of missing residents who shall upline the information to the Office of the Commissioner or designee as soon as possible. Uplining all escapes **requires actual contact** with an upline representative. In other words, if the Residential Facilities Administrator is called and/or paged by a Superintendent and a response is not prompt, the next person in line (Regional Director) is to be called and/or paged. This process is to be continuous until a designated upline person is actually talked with and the situation conveyed. Written escape reports faxed to the Regional Facilities Administrator and Central Office shall occur as soon as possible, but shall not substitute for the upline telephone call **and actual contact made with the upline representative.**
7. The Office of the Commissioner shall notify the DJJ Office of Communications. The Office of Communications shall conduct or coordinate response to all media contacts and inquiries.
8. Within 2 hours of the escape the youth's family or surrogates, the Court Designated Worker and appropriate DJJ Juvenile Services personnel shall be notified. When notifying the youth's family, it shall be made clear that their assistance is requested in notifying the appropriate law enforcement agencies and DJJ agencies if the youth's location becomes known to them.

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9. Notice shall be provided to the court within two hours of the incident; or, within two hours of the start of the court's next business day if the incident occurred after hours, on a weekend or holiday.
10. The DJJ Escape Report form shall be completed and faxed to the Regional and Central Offices within 2 hours of an escape from secure detention.
11. Report of the incident shall be fully documented on the Incident Report Form in compliance with DJJPP 715.
12. If the youth has an active order of commitment to DJJ, the assigned Juvenile Service Worker, with local or State Police assistance, shall visit the youth's home of record within 24 hours of the next business day in an effort to apprehend and return the youth to custody.
13. The Superintendent or designee shall file escape charges with the local prosecutor as soon as possible.
14. The Court Designated Worker, appropriate DJJ Juvenile Service personnel, and the family shall be notified once the youth is returned to the program site or taken into custody by law enforcement.

C. ESCAPE DURING COMMUNITY VISIT/HOSPITALIZATION

If a youth becomes missing while on a community visit (i.e. medical visits, work release activities, etc.) or while hospitalized away from the secure detention facility for in-patient medical or psychiatric care the following procedures shall apply:

1. After ensuring the safety and security of other residents who might be present, staff shall immediately place a call to the 911 emergency operator (or directly to law enforcement in areas not having 911 service). Law enforcement assumes primary responsibility in the search and apprehension of the youth(s).
2. After notifying law enforcement, staff shall act to insure immediate notification of the Superintendent as to the current situation and what actions have been taken to that point.
3. A designated staff member at the facility shall place calls to the Kentucky State Police, and the law enforcement unit in the home locale of the escapee(s).
4. All procedures outlined in Sections B (#3-13) of this policy shall be followed.

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D. INVESTIGATION OF ESCAPE FROM SECURE DETENTION

1. The Superintendent or designee shall up-line the information to the Office of the Commissioner or designee as soon as practical about the escape or attempted escape.
2. The Commissioner and the Quality Assurance Branch Manager shall be notified as soon as practical about the incident and ensure all investigative reports from the Superintendent or Regional Facilities Administrator are forwarded to the Quality Assurance Branch. Notice shall also be provided to the DJJ Construction Superintendent if immediate attention is required for correction of contributing major physical plant issues.
3. The Quality Assurance Branch Manager shall assign a Quality Assurance staff person to begin an investigation the next working day after the incident is reported. A report shall be prepared by the Quality Assurance investigator and submitted through the Quality Assurance Branch Manager to the Office of the Commissioner. Time frame for submission of the investigation report is fourteen (14) working days from the date of receipt of report of incident.
4. Copies of the report shall be forwarded to the Facility Superintendent, the Residential Facilities Administrator and the Regional Director by the Office of the Commissioner.
5. An action plan of correction/prevention shall be submitted by the Superintendent of the facility from which the escape occurred within fifteen (15) days following the receipt of the Quality Assurance investigation. This plan shall be submitted through the Residential Facilities Administrator for up-lining to the Office of the Commissioner. These action plans **require** implementation dates and documented completions of outlined action steps.
6. After approval, copy of the plan shall be forwarded to the Quality Assurance Branch Manager by the Office of the Commissioner or designee. Follow-up to determine if the plans of correction have been implemented shall be conducted by the Quality Assurance Branch during regularly scheduled program audits unless otherwise specified by the Office of the Commissioner.

E. AWOL FROM ALTERNATIVE DETENTION PROGRAM

1. The Detention Alternative Coordinator or designee who becomes aware of a youth missing from his assigned Alternative Detention Placement shall

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immediately place a call to local law enforcement followed by calls to the Kentucky State Police, and the law enforcement unit in the home locale of the escapee. Law enforcement assumes primary responsibility in the search and apprehension of the youth.

2. Within 2 hours of the escape the youth's family or surrogates, the Court Designated Worker and appropriate DJJ Juvenile Services personnel shall be notified. When notifying the youth's family, it shall be made clear that their assistance is requested in notifying the appropriate law enforcement agencies and DJJ agencies if the youth's location becomes known to them.
 3. The Detention Alternative Coordinator shall act to insure immediate notification of the Superintendent as to the current situation and what actions have been taken to that point.
 4. Report of the incident shall be fully documented on the Incident Report Form in compliance with DJJPP 715.
 5. Upon apprehension, the youth shall be returned to the Regional Juvenile Detention Center.
 6. The Court Designated Worker, appropriate DJJ Juvenile Service personnel, and the family shall be notified once the youth is returned to the program site or taken into custody by law enforcement.
- F. Investigations of AWOLs from alternative to detention may be initiated in accordance with the protocol for investigation of escape from secure detention at the discretion of the Office of the Commissioner.
- G. The Facility Superintendent shall include in their quarterly and annual reports a summary of all incidents of escape/AWOL which occurred during that report time period. Reference DJJPP 101.

V. MONITORING MECHANISM

The Facility Superintendent, Regional Facilities Administrator and the Division of Program Services shall monitor compliance with this policy.

Records maintained on critical incidents shall be reviewed by the Division of Program Services. An annual report and statistical analysis of Escapes occurring in DJJ Regional Juvenile Detention Centers and Alternatives to Secure Detention Programs shall be prepared by the Division of Program Services by the end of the first quarter of the calendar year following the close of the reporting year.